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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,749	03/23/2004	Jayprakash C. Bhatt	8485AFP-DIV	2536

7590 02/08/2005

POLAROID CORPORATION  
Patent Department  
1265 Main Street  
Waltham, MA 02451

EXAMINER
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HESS, BRUCE H

ART UNIT	PAPER NUMBER
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1774

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/806,749	Applicant(s) BHATT ET AL.	
	Examiner Bruce H Hess	Art Unit 1774	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2004.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 35-56 is/are pending in the application.
- 4a) Of the above claim(s) 51-56 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 35-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3-23-04</u> | 6) <input type="checkbox"/> Other: _____  |

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1. The election requirement is adhered to and made final for the reasons of record.
2. Claims 35-37 are rejected under 35 USC 102(b) as being anticipated by the patent to Adachi (U.S.P. 3,895,173).
3. Claims 38-41, 49 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over the patent to Adachi: (see column 2, lines 33 and 34 and column 3, lines 34-36).

Adachi teaches a thermal imaging member comprising a substrate, a first image-forming layer, and interlayer and a second image-forming layer wherein the first image-forming layer has a lower activation temperature than the second image-forming layer. The experimental modification of this prior art in order to ascertain optimum operating conditions (e.g., determine layer thicknesses) fails to render applicant's claims patentable in the absence of unexpected results.

4. Claims 42-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over the patent to Adachi in view of the patent to Iiyama et al. (U.S.P. 4,665,410).

Adachi is discussed above. Iiyama et al. teach that in the art of thermal imaging members it is conventional to employ 1) more than two thermosensitive layers (see lines 1-3 of the Abstract) and 2) protective outer layers (see column 8, lines 28-30). Use of the third image-forming layer and protective layers of Iiyama et al. for their concomitant function in the thermal imaging member of Adachi would have been obvious to one of ordinary skill in this art in the absence of unexpected results.

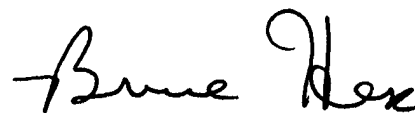
5. Claims 46-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over the patent to Adachi in view of the patent to Washizu et al. (U.S.P. 4,956,251).

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Adachi is discussed above. Washiza et. al teach that in the art of thermal imaging members it is conventional to employ 1) transparent substrates so that image forming layers can be located on both sides of the substrate (see the Figs.) and 2) outer protective layers. Use of Washiza et al's transparent substrate and protective layers for their concomitant function in the thermal imaging member of Adachi would have been an obvious expedient to one of ordinary skill in this art in the absence of unexpected results.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bruce Hess whose telephone number is (571) 272-1525. The examiner can normally be reached on Monday to Friday 9 Am to 5 PM.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



B. Hess/af  
January 18, 2005

0001 GROUP 1300  
BRUCE H. HESS  
PRIMARY EXAMINER  
GROUP 1300